

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

PATRICIA A. MYERS,)	
)	
Plaintiff,)	
)	Civil Action
vs.)	No. 11-3211-CV-S-JCE-SSA
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff was 51 years old at the time of the hearing before the Administrative Law Judge [“ALJ”]. She has a high school education and some vocational training in medical transcription, but never worked in that field. Her former employment includes approximately 20 years of work as a sewing machine operator at a jeans factory, and years as an assembler at a boat manufacturing plant.

In this case, plaintiff asserts that the ALJ erred in his Residual Functional Capacity [“RFC”] finding; that he erred in concluding that the cellulitis was a non-severe impairment; and that he erred in assessing her obesity and the impact of obesity, combined with her other physical impairments, on her RFC finding.

Having fully reviewed the record, the Court finds that a remand in this case is appropriate. A remand would allow a re-evaluation of the severity of plaintiff’s cellulitis. Additionally, it would allow a re-evaluation of the impact of plaintiff’s actual weight on her RFC, given that the ALJ relied on a consultative examiner, who noted a weight of 260 when her actual weight is approximately 370-381. This evaluation should include clarification from treating or examining sources regarding

the impact of her obesity combined with musculoskeletal impairment and cellulitis on her RFC.

Finally, upon remand, the record could be more clear as to whether the RFC finding was based on the record as a whole or was unduly influenced by the findings of a single decision maker.

Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that the decision of the Commissioner be reversed, and that this matter be remanded pursuant to sentence four of 42 U.S.C. §405(g).

/s/ James C. England
JAMES C. ENGLAND,
UNITED STATES MAGISTRATE JUDGE

Date: 6/5/12